

ATTACHMENT A

Remarks

By this Amendment, independent claims 1 and 4 have been amended to better define the invention. In addition, dependent claim 5 has been amended consistent with the amendments to independent claim 4 from which it depends. It is submitted that the present application is in condition for allowance for the following reasons.

In paragraph 2 of the Action, independent claims 1 and 4 were rejected under 35 USC § 103 as being unpatentable over any one of the France '390 patent, Sisler patent or Miyamoto patent. However, for the following reasons, it is submitted that these claims are allowable over this combination of references.

In amended independent claims 1 and 4, it is now particularly recited that the present invention utilizes a heater to expand and contract the working fluid. None of the France '390 patent, Sisler patent or Miyamoto patent disclose the use of a heater for this purpose.

In amended independent claim 4, it is further recited that the drainage control is the result of the movement of an actuation rod attached to a piston. None of the France '390 patent, Sisler patent or Miyamoto patent disclose the claimed use of an actuation rod for controlling drainage, so that claim 4 is additionally allowable for this reason.

Therefore, for all of the foregoing reasons, it is submitted that amended independent claims 1 and 4 are neither disclosed nor made obvious by the cited references taken singly or in combination, so that claims 1 and 4 are now allowable.

In section 3 of the Detailed Action, the examiner indicated that dependent claims 2-3 and 5-9 contained allowable subject matter. This indication of allowable subject matter is appreciated. While it was indicated that these claims would be allowable if rewritten in independent form, it is submitted that these claims are now allowable as dependent claims in view of the allowability of independent claims 1 and 4 as discussed above.

The remaining references which were cited but not applied have been reviewed but are not believed to be pertinent to the patentability of the present invention.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.